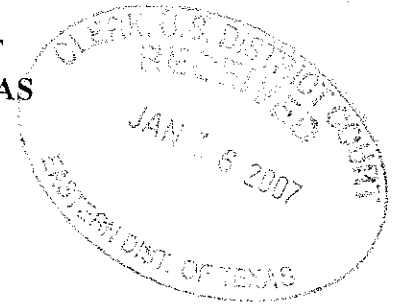


COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 7/97)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION



Daryl Davis - TDCJ-ID# 802738

Plaintiff's name and ID Number

Mark W. Michael Unit

Place of Confinement

CASE NO. 607CV35

(Clerk will assign the number)

v.

TDCJ-ID & Doug Dretke - P.O. Box 99 Huntsville, TX. 77342

Defendant's name and address

Loyd C. Massey - 3872 FM 350 S. Livingston, TX. 77351

Defendant's name and address

Richard K. Alford - 3872 FM 350 S. Livingston, TX. 77351

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

Billy D. Hirsch - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Steven T. Miller - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Melodye G. Nelson - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Michael A. McLin - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Mark Duff - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

David J. Wickersham II - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Helen E. Sheffield - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Kenneth R. Price Jr. - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Dennis Dezeew - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Fernando Briseno - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Steven R. Neal - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

J. Sonsel - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Shannon Price - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Timothy Hindsman - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Justin D. Gilbert - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

M. Hewitt - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Roy L. Rogers - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

A. Seale - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Victor D. Boston - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Wayne N. Tucker - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Larry R. Lawrence - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Marcial J. Foisie Jr. - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Gloria J. Freeman - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Michael R. McDuffie - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

Jocylene A. Johnson - 3872 FM 350 S. Livingston, TX. 77351
Defendant's name and address

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ___ YES x NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: MARK W. MICHAEL UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: DARYL DAVIS

P.O. Box 4500

Tennessee Colony, TX. 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Doug Dretke - Director of TDCJ-ID

P.O. Box 99 Huntsville, TX. 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Head supervisor of the officer who had, and officers who allowed me to be attack and beaten.

Defendant #2: Loyd C. Massey - Head Warden of Alan B. Polunsky Unit

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act caused me to be attacked twice, brutally and savagely beaten.

Defendant #3: Richard K. Alford - Assistance Warden

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act caused me to be attacked twice, brutally and savagely beaten.

Defendant #4: Billy D. Hirsch - Assistance Warden

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act caused me to be attacked twice, brutally and savagely beaten.

Defendant #5: Steven T. Miller - Major

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act caused me to be attacked twice, brutally and savagely beaten.

III. EXHAUSTION OF GRIEVANCE PROCEDURES: CONTINUED FROM PAGE 3

I would like to bring to the attention of this Honorable Court the continued problems I have had trying to file grievances and have them processed in this matter. I have brought notice to this Honorable Court many times letting this court know of the problems I have had with the grievance investigator W.R. Worthy on the Polunsky Unit, I was given these problems with filing these grivances in an attempt to assist the Polunsky Unit in a cover up in the attacks that took place on my life. I can and will provide this Honorable Court with evidence of the on going problems I have had trying to file grievances and have them processed since June 2006, and have been notifying this Honorable Court since July 2006. As of these time, I still have grievance that have not made it to the step 1 process to be processed and thats after placing them in the hands of grievance investigator W.R. Wrothy. This Honorable Court will see evidence that it took months to get two step 1's answered and after being forced to answer these step 1's the grievance investigator W.R. Worthy refused to return these step 1's to me in order so that I can file the step 2's so I would be able to exhaust my adminiatriative remedies, however the two step 1 was provied to me by the grievance investigator on the Michael Unit P. Kirkpatrick on November 27,2006, and I filed the two step 2's immediately placing them in the grievance mail box on November 28,2006. I have also filed a step 1 grievance, had it processed and returned to me, and after filling out the step 2 and placing it in the hands of W.R. Worthy, that step 2 was never processed again the grievance investigator on the Michael Unit provided me with a copy of the step 1 grievance so that I could file a step 2 that was on December 5,2006, and I immediately filled out a step 2 and placed it in the grievance mail box on December 6,2006. My grievance situation has been a mess because of the denial of me having access to the grievance system which has also made bringing about this claim very difficult due to the harassmt and/or denial to the grievance system, again I would like to bring to this Honorable Court attention that there more grievances that were not processed after being placed in the hands of grievance investigator W.R. Worthy.

III. EXHAUSTION OF GRIEVANCE PROCEDURES: CONTINUED FROM PAGE 3a

Under 42 USC § 1983 Civil Rights Act. I am Daryl Davis TDCJ-ID#802738 I am providing this Honorable Court with five (5) step 2 grievances, and six (6) step 1 grievances for a total of eleven (11) grievances. The step 2 grievances will be attached to the step 1 it represents, there is two step 1 grievances attached to one of the step 2 grievances. These grievances will support my cause that I have done (or) tried to do everything I could do to exhaust my administrative remedies under the procedure set forth by the Prison Litigation Reform Act (PLRA).

This Honorable Court will see that all administrative remedies have been exhausted in this cause, I can and will show this Honorable Court that there are other step 1 and step 2 grievances that I have not been able to have processed because of the grievance investigators refusing to processe them, even after I placed them in their hands.

The eleven (11) grievances I am providing this Honorable Court are as follows: step 1 & 2 grievance No.2007010156, step 1 & 2 grievance No. 2007010157, I would like to bring to this Honorable Courts attention, that I received these step 1's & step 2 grievances on January 8,2007 in my hands at mail call. Step 1 & 2 grievances No.2007001552 & step 1 grievance No.2007001539, step 1 & 2 grievance No.2007010429, and step 1 & 2 grievance No.2006179091, these grievances were provided to me at earlier dates.



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Michael Housing Assignment: 4-F-50
 Unit where incident occurred: Polunsky

OFFICE USE ONLY

Grievance #: 2007010156
 UGI Recd Date: 11-29-06
 HQ Recd Date: DEC 6 8 2006
 Date Due: 1-3
 Grievance Code: 100-818 D
 Investigator ID #: I0745
 Extension Date: -

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...
 I have been trying to have the step 1 grievance attached to this step 2 since 7/6/06. Grievance investigator W.R. Worthy refused to process this grievance No. 2007010156, and grievance No. 2007010157. However this step 2 only applies to grievance No. 2007010156. As you can clearly see I received this step 1 today 11/27/06, and over on the back of it you can see where W.R. Worthy had returned it to me stating, I had "submission in excess of 1 every 7 days." That wasn't true, that was an attempt to deny me a right to file this grievance. It was however processed on 10/6/06, and placed in my hands today by the Michael Unit grievance investigator Ms. Kirkpatrick, who state she had to force Mr. Worthy to process the step 1. The reply to the step 1 states "Your claim of life endangerment was reviewed by TL UCC of 6-8-06. These issues were also addressed in grievance # 2006179091 and # 2006192725," and signed off on by Warden R. Alford.

This is not true any of it and this problem needs to be addressed. On 6-8-06 I never knew my life was endanger, so upon a UCC review I was told that I was going to be placed back into General Population after being told that I had been investigated for a fight. There where nothing to come up regarding any type of life endanger at that meeting. It was only after I wasn't released as planned that I found out that my life was endanger, because an officer had placed a hit on me. This hit was placed on my life because Lt. Tucker deliberately and intentionally placed me endanger by lying to Officer McDuffie, telling him I had snitched him off, this was done by Lt. Tucker, in order to try and catch a guilty officer, "meaning one that was bringing contraband into the unit." Even after the administration created a hostile environment causing me to be brutally attacked twice by gang members that was allowed to come out of place both times to attack me, with weapons both times, the first time with a broom, the second with a heavy metal object in a sock, the second time officer McDuffie allowed these gang members to come out of place a carry out the hit he had paid for. In accordance with the safe prison program ED 03.03 nothing had been done to this day, to this day no one from safe prison has ever come and interviewed or investigated me or my attacks. The Polunsky unit has only did everything they could to cover these

attacks from the beginning. I haven't been before. Safe Prison Page 9 of 9 Page 10 of 10
attacks, they never answered any of the steps properly in accordance with the safe
prison policy. In fact grievance No. 2006192735, I filed a step 2 on it and it was never
processed, I hope you can see what is going on here, and what is continuing to go on
with the cover up of the attacks that took place on my life. I am asking for help in
this matter. Not only did the administration create an unsafe environment for me but
they also fail to protect or warn me, after a gang member by the name of Troy Sander went
and told STG officers Dezeew and Price that I was going to be attacked, these two
officers also spoke with another gang member by the name of James Grant regarding me
being attacked on the weekend of May 27, 2006. After that first attack that day
Sgt. J. Gilbert let these gang members that had come out of place, and attacked me
go, because he stated he didn't want to do any paper work. I could have lost
my life after the first attack, and the second attack shouldn't have been allowed to
happened.
Offender Signature: Darryl Davis 802738 Date: November 27, 2006

Grievance Response:

Your Step 2 grievance has been investigated by this office. A proper
Offender Protection Investigation was conducted at the Polunsky Unit and
you were re-assigned to the Michael Unit as a result. No further action by
this office is warranted.

Signature Authority: Kellie Hutchison

Date: 1/2/07

Kellie Hutchison

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

<u>Initial Submission</u>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) _____ Screened _____ Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<u>2nd Submission</u>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) _____ Screened _____ Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<u>3rd Submission</u>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) _____ Screened _____ Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	



Texas Department of Criminal Justice

USE AS ORIGINAL 11/27/00 PK

STEP 1 OFFENDER GRIEVANCE FORM

gjn. Not Met to In PK

OFFICE USE ONLY

Grievance #: 2007010156
Date Received: 9-18-06
Date Due: 10-28-06
Grievance Code: 000 818
Investigator ID #: 10446
Extension Date:
Date Retd to Offend: OCT 06 2006

Offender Name: Daryl Davis TDCJ # 802738
Unit: Polunsky Housing Assignment: 11 bldg. 14 cell
Unit where incident occurred: Alan B. Polunsky

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? (STG) Sgt. S.R. Neal When? 6-27-06 June 27,
What was their response? There was a security & communication breakdown all the way around regarding
What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I am filing this grievance on behalf of new information I just received regarding the attacks that took place on my life on 5/27/06 & 5/30/06. Prior to filing this grievance, I have filed two regarding the attacks on me. And placed them in the hands of grievance investigator Mr. W. R. Worthy on 6-26-06 and 7-6-06. The grievance that was placed in W.R. Worthy hands on 6/26/06 was filled out and complete on 6/9/06 Against the State of Texas, TDCJ, unit administration, Federal Population Security & Classification Committee & security threat group (STG) Officer Dezeeuw & Sgt. Gilbert. The second grievance was against the disciplinary committee, and new facts I filled it out and completed it on 6/21/06 but was denied placing it into Mr. W. Worthy hands until 7/4/06. After speaking with Sgt. Neal and learning new facts regarding the attacks on my life, I am adding to the prior grievances, by filing against the following individuals for failing to protect me from threatening attacks, failing to notify or warn me my life was endangered & racial discrimination failing to protect because I am black. Director: Doug Dietke, Head warden L. Massey, Asst. warden B. Bland, Asst. warden B. Hirsch, Major(s) S. Miller, M. Nelson, Administration Capt. D. Wickersham, Security the group officer(s) Sgt. S. Neal, Sgt. H. Sheffield, Capt. D. Dezeeuw, Capt. K. Price, Head classification tech M. McAs, Asst. classification tech M. Dr. G. Heard, Supervisors and officers, Capt. J. Sengel, Lt(s) T. Linderman, S. Price, Sgt. Gilbert, Capt. M. Hewitt, Capt. R. Rogers, Capt. A. Seale, 1-2 second supervisors and officers Capt. V. Gordon, Lt(s) W. Tucker, Lt(s) W. Sorensen, Sgt. M. Fessie, Capt. C. Hermann, Capt. M. McDaniel, Capt. J. Sorensen. After talking with Sgt. Neal, I learned that the (STG) staff, which is all white, knew before (days) that I was going to be attacked by a black prison gang "Wardens' Warriors" they also knew that I was not a gang member of any type. They also knew who I was going to be attacked. I never knew that an attack was placed on my life, (STG) staff failed to notify or protect me from this attack, nor did anyone in the administration, because I am black they didn't care. Sunday 27- between 3:00pm-3:45pm Sgt. Gilbert, Sgt. Officer Hewitt, Field officer Scott, Sgt. (4) being a security threat group out of place and beat me (as I was in my assigned housing area, ON May 30, 06 Sgt. Fessie, Dick (4) Sgt. Freeman, B-pod officers including, 3 officers between 3:00pm-3:45pm in discussed gang members to come and beat me and sexually beat me with a sick continuing a heavy metal object while I was in my cell, my cellmate was also beaten. These officers placed my life in danger including, attack when they fail to protect me (Revised 6-1-2001)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

and officers fail to do their duties by rostering inmates on and off their posts between rotations. I was attacked 3 times and never knew who the attackers were. I knew, with inmates, should have been where, and who was out of place, by allowing these gang members to run the unit, nearly cost me my life. By having knowledge that my life was endangered and not protecting me, notifying or warning me to be on the look out for a possible attack, nearly cost me my life, even knowing the reason why the attack was placed on me, was enough for the staff officers' administration to protect me. Sgt. Neal told me I didn't know that was you they (the gang members) was fingering for attack, that I was black and it was a black gang involved, he nor the rest of the administration cared. I just had to catch Sgt. Neal walking down the run and stopped him, since being in lock up, no one has come to interview investigate me, I haven't been able to identify my attackers, which I can identify them.

Action Requested to resolve your Complaint.

Would like to identify my attacker, so that it can be placed in my classification file, as known enemies to avoid future danger. That the administration look into change of policy, procedure or practice in situations such as this. I've went threw, and that I will not be retaliated against for exercising my rights to file grievances. "This is an Emergency grievance" I filed a grievance with the grievance administrator, that was also an Emergency/urgent grievance. I didn't file a grievance with the unit within 7 days.

Date: 7/6/06 July 6, 2006

Grievance Response:

Your claim of life endangerment was reviewed by TL UCC of 6-8-06. These issues were also addressed in grievances # 2006179091 and # 2006192725.

No action warranted.

**WARDEN
ALFORD**

OCT 06 2006

Date: 10/5/06

Signature Authority:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. See reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievance time period has expired.
- ☒ 2. Submission in excess of 1 every 7 days.
- ☐ 3. Original not submitted.
- ☐ 4. Inappropriate excessive attachments.
- ☐ 5. No documented attempt at informal resolution.
- ☐ 6. No signed and dated statement.
- ☐ 7. No date received of original submission from mailing log or log.
- ☐ 8. The grievance presented is not a grievance.
- ☐ 9. Grievance not in proper form.
- ☐ 10. Allegations are improper.
- ☐ 11. Incomplete.

UGI Signature:

I-127 Back (see instructions)

OFFICE USE ONLY

Initial Submission

UGI Initials: uc

Grievance #:

200619282

Screening Criteria Used:

Date Recd from Offender:

JUL 19 2006

Date Returned to Offender:

JUL 19 2006

2nd Submission

UGI Initials: _____

Screening Criteria Used:

Date Recd from Offender:

Date Returned to Offender:

UGI Initials: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Michael Housing Assignment: 4-F-50
 Unit where incident occurred: Polunsky

OFFICE USE ONLY

Grievance #: 2007010157
 UGI Recd Date: 11-29-06
 HQ Recd Date: DEC 08 2006
 Date Due: 1-3-07
 Grievance Code: 000-815
 Investigator ID #: I0745
 Extension Date: —

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

I am filing this Step 2 in regards to Step 1 grievance No. 2007010157. I received this Step 1 grievance back today 11/27/06. It was placed in my hands by grievance investigator Ms. Kirkpatrick of the Michael Unit. I also received back grievance No. 2007010156 today. However this Step 2 only applies to grievance No. 2007010157. This grievance fails to address the issues of life endangerment. This grievance was answered "Your claim of life endangerment was reviewed by TL UCC of 6-8-06. These issues were also addressed in grievances # 2006192725 and # 2006179091. Vehemently, that's not true. When I went before UCC on 6-8-06 I did not know my life was endangered, in fact I was told by that Committee I had been investigated for a fight, and that I would be going back to General Population that day. It was only after I didn't go back to (GP) that I found out that an officer had placed a hit on my life, this was brought on by Lt. Tucker telling officer McDuffie I had snitched him off, when in fact I hadn't told Lt. Tucker anything on officer McDuffie, or any other officer, because I didn't know of anything to tell. I was used by the administration to "try and catch a dirty officer" meaning one that brings contraband onto the unit. Lt. Tucker deliberately and intentionally placed my life in danger by lying on me to officer McDuffie. This caused officer McDuffie to place a hit on me, and I was attacked twice because of it. Not only did the administration place me in a hostile environment by creating it, they also fail to protect and warn me that I was going to be attacked. Gang member Troy Sanders went to STG officers Dezeew and Price, and told them I was going to be attacked the weekend of May 27, 2006. They both called and spoke with another gang member about the attack that was to take place on my life, and after, they just turned their heads and allowed me to be brutally beaten twice by these gang members that was allowed to come out of place both times to do so, using weapons each time. The first time was a broom, the second was a heavy metal object in a sock, also the second

Case 9:07-cv-00019-RC-ZJH Document 1 Filed 01/16/07 Page 13 of 47 PageID #: 19
time the gang members was allowed to come out of place by Officer [redacted] to carry out the hit that he paid for. To this day I have never been seen or investigated nor interviewed by anyone from Safe prison, it seems like safe prison just went out the window here. In accordance with EO 0303 I should have been seen and investigated months ago. Where was safe prison after my first attack? Sgt. Gilbert allowed these gang members to come out of place and attack me and afterwards allowed them to leave, because he stated he didn't want to do any paper work. If he had followed the safe prison policy at that time the second attack never would have happened. My life was placed in danger by the administration, and the administration fail to protect or warn me afterwards. I am asking for help in this matter, to keep it from been covered up. As you can clearly see, the Polunsky unit administration has tried to cover these attacks from the beginning. James Grant was the other gang member to speak to [redacted].
Offender Signature: Dave Davis 802738 Date: November 27, 2006

Grievance Response:

Your Step 2 grievance has been investigated by this office. A proper Offender Protection Investigation was conducted at the Polunsky Unit and you were re-assigned to the Michael Unit as a result. No further action by this office is warranted.

Signature Authority: Kellie Hutchison

Date: 1/2/07

Kellie Hutchison

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

USE AS ORIGINATOR "11/27/00 M"
OFFENDER

STEP 1 GRIEVANCE FORM

gn mtrta to Elm M

Offender Name: Darryl Davis TDCJ # 802738
 Unit: Polunsky Housing Assignment: 11 building 14 cell
 Unit where incident occurred: Polunsky

OFFICE USE ONLY

Grievance #: 2007010157
 Date Received: 9/8/06
 Date Due: 10-28-06
 Grievance Code: 000 815
 Investigator ID #: 10061
 Extension Date: _____
 Date Retd to Offender: OCT 06 2006

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Neal When? 7/14/06 July
 What was their response? I told you already that Lt. Tucker is the cause of your problem
 What action was taken? none

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I am filing this grievance because I have been told that Lt. Tucker is the cause of me being attacked by gang members. I was attacked by gang members on May 27 & 30, 2006 by gang members, that had something to do with Lt. Tucker saying I was a "snitch". Prior to filing this grievance, I've filed three regarding information of the attacks on my life. Each one was placed in the hands of grievance investigator W. R. Wootley on 6/20/06, 7/6/06, 7/13/06 they were filed out and completed on 6/9/06, 6/16/06, 7/6/06. I'm filing this grievance against the following individuals for the following reasons: Lt. Tucker, for telling an officer I was a snitch, for failing to protect me from two gang attacks, failing to notify or warn me my life was endangered, racial discrimination, denying me protection especially because I'm black. Directors: Doug Dretke, Head warden L. Massey, Assit. warden(s) R. Alford & B. Hinch, Major(s) S. Miller & M. Nelson, Admin: Capt. D. Wickersham, Security threat group officer(s) Sgt. S. Neal & H. Sheffield, D. Dezeuw, K. Price, Classification tech(s) M. McLin & M. Duff, I-1 card supervisor(s) and offices: Capt. J. Samsel, Lt. (s) T. Hindsman & S. Price, Sgt. J. Gilbert, CO (s) M. Hewitt, A. Rogers, A. Seale, I-2 card supervisor(s) and officer(s), Capt. V. Boston, Lt. (s) Tucker & L. Lawrence, Sgt. M. Foisie, CO (s) G. Freeman, M. McDuffie, J. Johnson. I learned that Lt. Tucker was the cause of me being attacked by the Mandingo Warriors, a notorious prison gang, by deliberately and intentionally lying on me placing my life in danger, trying to catch a dirty officer (meaning one that bring contraband into the unit) by saying I had given him up, labeling me a snitch, when in fact I never told Lt. Tucker no such thing, his deception, got me savagely beaten, twice. The (Sgt) officer(s) who are all "white" knew days before I was going to be attacked by a black prison gang. They also knew I wasn't a gang member of any type and had no type of dealings with any of the they knew why I was going to be attacked. I never knew that an attack was planned on my life, the (Sgt) officer(s) failed to notify, warn or protect from this attack, nor did anyone in the administration, because I'm black they didn't care. On May 27, 06 between 3pm-390pm, Sgt. Gilbert, Deck officer Hewitt, F-Pad officer(s) Seale & Rogers, Allowed (H) gang members come out of place and beat me, as I was in my assigned housing area. On May 30, 06, Sgt. Foisie, Deck officer G. Freeman, B-Pad officer(s) M. McDuffie, Johnson

MEMO OFFICE, WHILE I WAS PRESENTING MY COMPLAINT TO THE WARDEN, I WAS BEING ATTACKED BY THE BLDG. BEING ATTACKED WHEN THEY WENT TO NOTIFY ME THAT I HAD BEEN FILED 01/16/07, PAGES 15 OF 47, PAGE 15, WHICH IS THE BLDG. (5) Deck officers(s) and Pod officers(s) fail in their duties, not rostering inmates on and off their pod. Both I was attacked 3 unit head roster counts had taken place, so the deck officer & pod officer(s) knew what inmates should have been where, & who was out of place. By allowing these gang members to run freely around the unit, nearly cost me my life. Having knowledge that my life was in danger, and not protecting, notifying of this attack is inexcusable. Just knowing the reason why the attack was going to take place was enough for the (5)(6) officers(s) administration to take action in protecting me. This is a follow up to the (3) other grievance I have cited regarding the attacks on my life.

Action Requested to resolve your Complaint.

Who like to identify my attackers, so it will be placed in my classification files as Enemies, to avoid future danger. That the administration look into change of policy in situations like this, and that will not be retaliated against for exercising my right to file grievance(s), by any staff members, Lt. Tucker & wife, who works where I'm being housed at this time.

Offender Signature: Dayle Davis

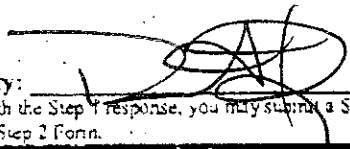
Date: 7/18/06 July 18, 2006

Grievance Response: ..

Your claim of life endangerment was reviewed by TL UCC of 6-8-06. These issues were also addressed in grievances # 2006192725 and # 2006179091.

No action warranted.

**WARDEN
ALFORD**

Signature Authority: 

Date: 10/5/06 OCT 06 2006

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. See reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired
- ☐ 2. Submission in excess of 1 every 7 days.*
- ☐ 3. Original not submitted.*
- ☐ 4. Inappropriate excessive demands.*
- ☐ 5. No documentation attempt at initial resolution.*
- ☐ 6. Missing required staff signature.*
- ☐ 7. Missing required grievance number or missing identifying information.
- ☐ 8. Missing required signature of grievant.
- ☐ 9. Missing required signature of staff member.
- ☐ 10. Missing required signature of staff member.
- ☐ 11. Missing required signature of staff member.
- ☐ 12. Missing required signature of staff member.

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance # _____

Screening Criteria Used: _____

Date Read from Offender: _____

Date Returned to Offender: _____

1st Submission

UGI Initials: _____

Grievance # _____

Screening Criteria Used: _____

Date Read from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance # _____

Screening Criteria Used: _____

Date Read from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Michael Housing Assignment: 3-C-2
 Unit where incident occurred: Polunsky / Michael 4F-50

Grievance #: 2007010429
 UGI Recd Date: 10-30-06
 HQ Recd Date: NOV 07 2006
 Date Due: 12-4-06
 Grievance Code: 904
 Investigator ID #: 570
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...
 On Sept. 3, 06 I was returned two unprocessed step 1 grievances, that I filled out and completed on 7/6/06 & 7/13/06 respectively. The grievance completed 7/6/06 was returned 7/18/06. Stating submission in excess of 1 every 7 days. "This was not true" This was another attempt to deny me the use of the grievance system. On 7/25/06, I placed two step 1 grievances in the hands of Polunsky unit grievance investigator, W.R. Worthy. 46 days later I received the two step 1 grievances back, on 9/3/06 at the Michael unit "unprocessed" This was another attempt in many to keep me from exhausting my administrative remedies, by using the grievance system, the second with these two grievances. After seeking assistance from S. Different, and being denied if I filed a step 1 that carry the grievance # 2007010429, which brings about this appeal. I attached the two unprocessed step 1 grievances to that step 1, for processing, on 10/25/06 I received back grievance # 2007010429, stating the following from Asst. Warden Pratt: "The (2) two Step 1 grievances you submit with this grievance was forwarded to the Polunsky unit for processing. The grievances were completed and closed 10/16/06 by the Polunsky Unit. Your original grievances # 2007010157 and grievance # 2007010156 were returned to you." Asst. Warden Pratt's response has failed to satisfy me and the exhausted administrative remedies for the following reasons: (1) This step 1 grievance should have never been "detached" or "unattached" from the grievances, the two unprocessed grievances it was attached to, this grievance was attached to those two unprocessed grievances to show I had filed them, but was continuing to be denied the use of the grievance system by W.R. Worthy, this was a Polunsky unit matter not a Michael unit matter, so Warden Pratt didn't have jurisdiction to answer this grievance or to detach or unattach it. (2) I vehemently state that I never received neither of the step 1 grievances that was attached to this step 1 I'm filing an appeal on, as Asst. Warden Pratt states in his response, that was sent back to me, I refer to those unprocessed grievances as the ones attached to this step 1, because I don't know what grievances carried the No. # 2007010157 & 2007010156. However I see this as another attempt to deny me the use of the grievance system, not only by the Polunsky unit's grievance investigator & administration, but the Michael unit's as well. If I had received either or both of these grievances, I would have filed a step 2. I'm asking that the two unprocessed step 1 grievances that was attached to this step 1 be returned to me processed so that I can file a step 2 on them, there should be the question asked, why? are they denying this inmate the chance and right to file and

Case 9:07-cv-00019-RC-ZJM Document 1 Filed 01/16/07 Page 17 of 47 PageID #: 17
these grievances and exhaust administrative remedies. I need to have those two
unprocessed grievances returned to me processed so that I can appeal them on step 2
or, just state in this step 2 that those unprocessed step 1 grievances, was processed under
the No. # 2007010157 & 2007010156 as was stated by Assit. Warden Pratt, and that a step 2
will not be needed, that you all state that both of those grievances has been fully exhausted
all remedies, because of past problems trying to have them processed.

I, Daryl Davis 802738, presently being housed on the Michael unit, in Tennessee Colony, TX
swear under the penalty of perjury that the foregoing is true and correct, everything in this
step 2, I have placed is correct, I am willing to provide this agency a poly graph exam
which will also provide my truthfulness.

10/25/06

Daryl Davis

Offender Signature: Daryl Davis 802738

Date: 10/25/06, October 25, 2006

Grievance Response:

The Step 1 response has addressed your complaint. Corrective action was taken by the Michael unit
grievance office to ensure that grievance #2007010157 and 2007010156 were processed. No further action
is warranted. D/vhh

Signature Authority:

Kelli Ward
Kelli Ward

Date: NOV 20 2006

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☒ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

These Are Emergency Grievances

Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2007010429
 Date Received: 9-18-06
 Date Due: OCT 28 2006
 Grievance Code: 904 S
 Investigator ID #: 10805
 Extension Date:
 Date Retd to Offender: OCT 24 2006

Offender Name: Darryl Davis TDCJ # 802733
 Unit: Michael Housing Assignment: ~~8-16-7 (Grievant)~~
 Unit where incident occurred: Polunsky

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.
 Who did you talk to (name, title)? Grievance Investigator S. Different When? 9/12/06 Sept. 12, 06
 What was their response? She told me she was going to assist me, in getting these grievances processed.
 What action was taken? "None"

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.
On Sept. 8, 06 I was returned a Step 1 & 2 grievances I had filed dated 7/24/06, which was picked up by Polunsky
units grievance investigator W. R. Worthy. Inside the Step 1 & 2, was two unprocessed Step 1 grievances,
that was picked up alone with the Step 1 & 2 on 7/25/06. These unprocessed Step 1 grievances was filled out and
completed on 7/6/06 and 7/18/06 respectively. The grievance 7/6/06 was returned 7/19/06, stating submission in ex-
cess of 1 every 7 days. Not only was this an emergency grievance, W. R. Worthy had the duty to know that he hadn't
processed a grievance from me within 7 days. This was an attempt in denying me the use of the grievance system.
On 7/25/06 I placed in his hands the Step 1 & 2 and the two Step 1 dated 7/6/06 and 7/18/06, explaining to him
details of the Step 1 he returned, for processing. "I AM ATTACHING BOTH STEP 1 GRIEVANCE TO THIS GRIEVANCE FOR
PROCESSING." Yes these grievances are in regards to my attacks, however after speaking to a Sgt. these grievances
contain a degree more information regarding the attacks, including names and other important information that
needed to be processed through the grievance system. This was also known by W. R. Worthy. Again he denied to
process either of these grievances 7/6/06 & 7/18/06. In processing grievances, "The unit grievance investigator
is responsible for the investigation of Step 1 grievances. Supervisory staff and department heads shall actively par-
ticipate in the investigation resolution of grievance issues. When requests are made by the unit grievance inv-
estigator, assistance shall be provided in a timely manner. Employees or persons in custody who appear to be
involved in the matter of a grievance are prohibited from participating in any capacity in the review
and resolution of that grievance. It is clear that W. R. Worthy has deliberately and intentionally denied me
due process and the right to the grievance system, when he failed to process the two Step 1 that are
attached here. He could have had many reasons for doing so. However 4 of them would be as
follows: (1) To deny the administration a chance to correct the problem, (2) To deny a black inmate
the use of the grievance system, (3) To protect someone who was named in these grievances and
(4) Just flat out fail in performing his duties as grievance investigator. I vehemently states
that whatever his reasons were for not processing these two grievances, he had imputed knowl-
dge that his actions would not only deny me the right to the grievance system, but handicap me in bring-
ing my before the agency for review. Both these grievances 7/6/06 & 7/18/06 was placed in the

hands of W.K. Worthy on 7/25/06 and should have been processed according to the grievance program provided by this agency, his failure to do so only delays the process of grievance system.

I, Daryl Davis, 802738, presently being housed on Mark W. Michael Unit, in Tennessee colony, ~~ix~~. Swear under the penalty of perjury the foregoing grievance is true and correct, with the two unprocessed Step 1 attached to it, to be processed accordingly. I am also willing to provide this agency a polygraph exam which will also provide my truthfulness.

9/12/06

Daryl Davis # 802738

Action Requested to resolve your Complaint.

To have my two unprocessed grievances dated 7/6/06 & 7/18/06 that was returned to me on Sept. 8, 06 to be processed accordingly to the grievance procedure, and a correction of the records in this matter, if need be, I ask that I not be retaliated against for trying diligently to have these grievances processed, And that upon completion that my correct housing be placed on it, in case of a move, so I will receive it in my hands.

Offender Signature: Daryl Davis

Date: 9/12/06 Sept. 12, 06

Grievance Response:

The (2) two Step I grievances you submitted with this grievance was forwarded to the Polunsky Unit for processing. The grievances were completed and closed 10/6/06 by the Polunsky Unit. Your original grievances #2007010157 and grievance #2007010156 were returned to you.

mg

ASST.
WARDEN
PRATT

Signature Authority:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Date: OCT 24 2006

Returned because: *Resubmit this form when corrections are made:

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. No documented attempt at informal resolution.*
- ☐ 6. No requested relief is stated.*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language.*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Vacant - discontinued 9-1-00
- ☐ 10. Illegible/Incomprehensible.*
- ☐ 11. Inappropriate.*

UGI Signature: _____

I-127 Back (Revised 9-1-2001)

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2-25



Texas Department of Criminal Justice
STEP 2
OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2007001552

UGI Recd Date: 10-25-06

HQ Recd Date: NOV 02 2006

Date Due: 11-29

Grievance Code: 000

Investigator ID #: Jonle7D

Extension Date: _____

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Michael Housing Assignment: 382
 Unit where incident occurred: Polunsky/Michael 4FSO

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). *I am dissatisfied with the response at Step 1 because...*

The responses are irrational. I was moved to Michael Unit because of a life endangerment issue. --see Step 2 grievance #2006179091-- the issue of life endangerment was NOT BROUGHT BY ME! It was brought by the investigators of those attacks that took place on the Polunsky Unit!

There is EXTENSIVE evidence that staff had prior knowledge og the plan to have me beat up. Affidavits of some gang members clearly disclose this.

The attached step one #2007001539 was returned to me too late to be timely responded to by a step two. However it is now attached to this response to #2007001552 as an attachment, such allowed by rule that governs attachments.

It is abundently clear from the manner of investigations, (no out of place nor fighting cases ever brought against the gang members who twice assaulted me) that staff complicity was involved. At an interview on the Michaels unit the investigator confirmed that it clearly disclosed by written statement that a staff member (CO Mc Duffie) EITHER ORDERED OR PAID FOR THE ASSAULTS.

The records cannot be simply ignored, swept aside nor obscured.

The record of events disclose in uncertain terms that staff on Polunsky ordered me beaten by gang members, that staff then (after the second attack) made a concentrated effort to cover up the of record fact.

The matters herein constitute obstruction of justice and other issues.

Offender Signature: Daryl DavisDate: 10/12/06 October 12, 06

Grievance Response:

No evidence was found that your life is in danger from any staff member on the Michael Unit. Computer records indicate you are not housed around any of your known enemies. Should problems arise in the future contact any staff member at that time. No corrective action is warranted at this time.

Signature Authority: Rhoda J. Odom, ARDDate: 11/10/06Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

I-128 Back (Revised 9-1-2001)

OFFICE USE ONLYInitial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

This is An Emergency Grievance



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2007001539Date Received: SEP 05 2006Date Due: 10-15-06Grievance Code: 002Investigator ID #: T0820

Extension Date: _____

Date Retd to Offender: SEP 28 2006Offender Name: Daryl Davis TDCJ # 802738Unit: Michael Housing Assignment: 3-T-13C-2Unit where incident occurred: Polonsky

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Lt. Duff, CO T. Farris When? 8/28/06What was their response? Lt. Duff you full of shit, CO T. Farris, He is A Crack headWhat action was taken? None. (This is An Emergency Grievance)

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

On the morning of August 28, 2006, After spending 90 days in transit for two attacks on my life, and during my stay in transit, I had many threat brought against me and another inmate, by gang members that were working for this Officer. Such as, spitting in our food, spraying piss in our cells, out of a spray bottle, and telling us, that any where we go, we wouldn't be safe. Both of us was attacked by the same gang, at different times, for different reasons. However on the date listed above Officer M. McDuffie and an unknown Officer (White female) can and will identify her if I seen her, come to escort me to the chain bus, Officer McDuffie had placed two hit's on my life, the reason I was attacked by gang members in the first place. When the (White female) name unknown was told to go get my red Chain bag, he forced me into a 11 bldg. Vestibule and/or Sallyport and told me that I wasn't going to get away, that he knew where I was going, and every form in the system has mandingo warriors, and he would make sure they would take care of there business, he stated as long as he knew my name and TDCJ number he would find me. I told Lt. Duff what was said, I ask the female officer once we got out side to call Lt. Duff so that I could talk to him, that I had an emergency and it was serious, I believe McDuffie told her not to call the Lt., because she didn't, I myself had to hollar loud to get his attention and he came over to where we were. I told him what McDuffie had just to me. His words were you are full of shit. So Officer T. Farris was sent to watch me while officers McDuffie and (unnamed female) went to get someone else, and I told her what had happened she told me that he was a Crack head don't pay him any attention, that he didn't know where I was going. I guess she was trying to comfort me from worry, because anyone in the world has access to where any inmate is through their name and ID number

you can be located. I am afraid for my life for what has happened to me and more so, what may and can happen to me, because the administration is overlooking this very serious problem, and trying to cover it up.

Action Requested to resolve your Complaint.

I ask that there be a change in policy, practice and rules, on how they the administration investigate officers placing hits on inmates lives and acting properly when an inmates life is endanger.

Offender Signature: Dayle Davis

Date: 8/29/06 August 29, 2006

Grievance Response:

Your claim of life endangerment has been investigated. There was insufficient evidence to support your claim.

No further action warranted.

Signature Authority:

B. HIRSCH

Date: 9/26/06

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. No documented attempt at informal resolution.*
- ☐ 6. No requested relief is stated.*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language.*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Vacant - discontinued 9-1-00
- ☐ 10. Illegible/Incomprehensible.*
- ☐ 11. Inappropriate.*

UGI Signature: _____

I-127 Back (Revised 9-1-2001)

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2007001552
 Date Received: SEP 05 2006
 Date Due: 10-15-06
 Grievance Code: 000
 Investigator ID #: 10565 D
 Extension Date: ✓
 Date Retd to Offender: OCT 11 2006

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Michael Housing Assignment: 8-J 1130
 Unit where incident occurred: Michael

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.
 Who did you talk to (name, title)? Safety Sgt. Morris When? 8/29/06 August 29, 06
 What was their response? Shut your mouth and you'll stay alive
 What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

On August 29, 06, I was reassigned to the Michael unit, after being in transit for days because of two beatings I suffered at the hands of gang members on May 27, & 30, 2006. As I was leaving the Polunsky unit on 8/28/06, I was told by the officer that placed the hits on my life, the first two times that ~~will~~ he will make sure that I be taken care of, and for me not to think that I got away, because he knew where I was going and there is no where I could go because they could find me. When I arrived on this unit after going to UCC, I hadn't had any cases or any type of trouble so I was allowed to remain G-2, 5-3 inmate, but was housed with G-4 inmates who are L-2 and L-3, and are gang members, down on 8 bldg. After trying to speak with Safety Officer Sgt. ~~Adrian~~ Morris he wasn't concerned about my problems or my safety, after telling him my situation and what I had been through with these gang members, and that my life was endanger being around G-4 inmates that was gang members, he told to shut your mouth and you'll stay alive. He wouldn't and didn't do anything to assist me in this action, and I have a right to bring what happened to me to the attention of someone in the administration. Because I was nearly beaten to death by these gang members, and it only a matter of time before these gang members around me find out who I am and what went on with me. I asking the administration to please investigate my situation and remove me out of this dangerous situation. There is no way that an officer should tell an inmate to shut his/her mouth when they're trying to let them know there life is endanger, let long a Safety Officer, a Safety Officer:

(OVER)

Case 9:07-cv-00019-RC-ZJH Document 1 Filed 01/16/07 Page 25 of 47 PageID #: 25
duties is to make sure that an inmate is safe and there surround-
ings are safe, but by him telling me to shut my mouth and I'll stay
alive, was a threat, misconduct, and a lack of him performing his duties
as a safety officer.

Action Requested to resolve your Complaint.

Would like a change in policy, that and inmates complaint be investigated,
where no inmate will have to face any type of danger, because an officer
refuses to do their duties

Offender Signature: Dayl Davis

Date: 8/29/06 August 29, 06

Grievance Response:

The issue raised within this grievance was processed in accordance with the Safe
Prison Program. Captain Mares conducted the investigation that revealed no
evidence to indicate you have been threatened or that you are in any danger. You
appeared before UCC on 9/21/06 at which time final determination was made no
further action warranted. The computer reflects you were moved to 3C47 cell on
9/20/06.

mg.

ASST.
WARDEN
PRATT

Signature Authority:

Date: OCT 11 2006

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Grievance Investigator within 15 days from the date of the Step 1 response. State the
reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. No documented attempt at informal resolution.*
- ☐ 6. No requested relief is stated.*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language.*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Vacant -- discontinued 9-1-00
- ☐ 10. Illegible/Incomprehensible.*
- ☐ 11. Inappropriate.*

UGI Signature: _____

I-127 Back (Revised 9-1-2001)

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

605



95
Michael Unit
Texas Department of Criminal Justice

STEP 2

OFFENDER GRIEVANCE FORM

Offender Name: Daryl Davis TDCJ # 802738
Unit: Polunsky Housing Assignment: 11 building - 14 cell
Unit where incident occurred: Polunsky

OFFICE USE ONLY

Grievance #: 2006179091
UGI Recd Date: JUL 26 2006
HQ Recd Date: JUL 31 2006
Date Due: 8-30
Grievance Code: 815
Investigator ID #: DI364
Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

This appeal is being filed in regards to the step 1 was not reviewed properly. There is no surprise that Assit. Warden B. Hirsch, stated that there was insufficient evidence to substantiate my allegations towards the administration and the Security Threat Group, for the following reasons: (1) Why would he go against and all white administration and an all white Security Threat Group for a black inmate. He would be literally saying him and his peers were wrong, and had violated the constitutional rights of a black man. (2) Had he, and the administration, the Security Threat Group officer(s) had investigated me after the attacks on my life, they would have knew, (or) he would have knew that not only did the (STG) officer(s) have knowledge that I was going to be attacked, but other officer(s) as well. As you can clearly see, B. Hirsch failed to address his Ranking Sgt. allowing several Mandingo Warriors (Gang members) to fall out of place and attack me, that Sgt. was J. Gilbert, on May 27, 06, after he came and spoke to them and let them leave the pod. Again I was failed to be protected. Nor did, B. Hirsch, address the fact that his own (STG) officer, D. Dezeew had told me they knew of the attack that was to take place on me, days before the attack took place.

On May 30, 06 I was again savagely attacked and beaten by the same Mandingo warriors (prison gang) that was again allowed to come out of place and carry out an attack on my life, while I was performing my duties as an SSI, had Sgt. Gilbert took care of these out of place gang members, by locking them up after they had attacked me the first time the second attack wouldn't have happen, if he had locked me up after the first attack the second attack wouldn't have happened. Had the (STG) officer(s) and Administration notified me of this attack the first one wouldn't have happened. Had the administration and (STG) officer(s) had locked me up after the planed attack on

My life ~~it wouldn't have happened~~. Either way you look at this the administration and the Security Threat Group placed my life endanger by failing to protect me not once but twice, for no other reasons, then I am a black inmate, and they didn't care.

The agencies rule is: "TDCJ strives to maintain the safety and security of all offenders incarcerated within the Agency. However, in some situations, measures must be taken to achieve a greater degree of protection for certain offenders." The agency failed me, (twice).

Offender Signature: Dayle Davis

Date: 7/20/06 July 20, 06

Grievance Response:

Your Step 2 grievance has been investigated by this office. A life endangerment investigation was conducted due to the incident that occurred on 05-30-06. The Unit Classification Committee recommended a unit transfer due the assault. Your enemy list was updated accordingly. There is no evidence to support your claim that staff had any advance knowledge that the assault would occur. TDCJ strives to maintain the safety and security of all offenders incarcerated within the agency. You are currently housed in transient status pending unit transfer. No further investigation is warranted by this office.

Signature Authority: Priscilla Daly

Date: SEP 01 2006

Returned because: *Resubmit this form when corrections are made.

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2006179091
Date Received:	JUN 20 2006
Date Due:	7-30-06
Grievance Code:	815
Investigator ID #:	70820
Extension Date:	
Date Retd to Offender:	JUL 20 2006

Offender Name: Daryl Davis TDCJ # 802738
 Unit: Polunsky Housing Assignment: 11 building 14
 Unit where incident occurred: Alan B. Polunsky

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? (STG) Officer Dezeeuw When? 6/9/06

What was their response? MY Ass is in hot water now, behinded you

What action was taken? NONE

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I file this grievance today 6/9/06, Against The State of Texas, Texas Department of Criminal Justice - Institutional Division, Alan B. Polunsky Unit Administration General Population Security, It's Classification Committee, It's Security Threat Group (STG), Officer Dezeeuw, and Sgt. Gilbert. On 5/27/06 I was jumped and beaten in my assigned housing area, by several Mandingo warriors (Gang Members) who was allowed to fall out of place and attack me, leaving the left side of my face swollen with a black eye. Officer working the picket control, which I believe named Mr. Rogers, Called Sgt. Gilbert who came to the pod I was housed; and asked if it was over, and he released everyone. On 5/30/06 while performing my work duties as an assigned SSI on 3 building I was again attacked by the Mandingo warriors, this ~~savage~~ I was beaten repeatedly about the face and head with a sock containing a heavy metal object, and was repeatedly stomped. This attack left multiple cuts and gashes about my face and head, bleeding uncontrollably. The Inmate Offender Handbook States, "TDCJ Strives to maintain the safety and security of all offenders incarcerated within the Agency. However, in some situations, measures must be taken to achieve a greater degree of protection for certain offenders." The Agency failed not only to protect me from this notorious gang, it also failed to notify and warned me that there was a great possibility I was in danger of being attacked. I learned today that the Administration and (STG) knew that an attack had been ploned on me. It's only three reasons, I wasn't notified and warned of the attack against me, (1) I'm a known Christian who has had no type of dealings with any gangs, (2) That I am a black offender who could take care of himself, (3) The agency just didn't care to protect me from danger. Officer Dezeeuw

stated to me that he had heard of the planned attack on the days before it happened. He had called out a confirmed Mangingo warrior and asked him about the planned attack, through his training and position as (STG) officer he had to notify his supervisor of this attack, whether he felt it had merit or not it was a total failure to protect me. Officer Dezeew also stated that I should have had my property, because I hadn't done anything wrong, he stated that my property had been thrown about, and no one wanted to inventory it, 11 days (eleven) later my property is still missing, this is also a violation of the rules set forth by this agency, my property should have been inventoried and brought to me the day they placed me in lock up, because I wasn't placed here for disciplinary reasons.

Action Requested to resolve your Complaint.

Request the Agency train its (STG) officers and staff to handle situations like this with immediate actions. It can and will save a life, I also want to get my property back, and I would like to be protected from any type of retaliation, from this Agency, Polunsky Unit administration, or the individuals listed in this grievance.

Offender Signature: Daryl Davis

Date: 6/9/06, June 9, 06

Grievance Response:

There is insufficient evidence to substantiate your allegations toward the Security Threat Group office. They did not know about a planned attack on you.

NO FURTHER ACTION WARRANTED

Signature Authority: B. Hirsch

B. HIRSCH

JUL 20 2006
Date: 7/19/06

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

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- ☐ 2. Submission in excess of 1 every 7 days.*
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- ☐ 6. No requested relief is stated.*
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- ☐ 8. The issue presented is not grievable.
- ☐ 9. Vacant - discontinued 9-1-00
- ☐ 10. Illegible/Incomprehensible.*
- ☐ 11. Inappropriate.*

UGI Signature: _____

I-127 Back (Revised 9-1-2001)

OFFICE USE ONLY

Initial Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission

UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

IV. PARTIES TO THIS SUIT: CONTINUED FROM PAGE 3

Defendant#6: Melodye G. Nelson - Major

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Her failure to act and protect caused me to be attacked twice, brutally and savagely beaten.

Defendant#7: Michael A. McLin - Case Manager 3/Classification Tech.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten.

Defendant#8: Mark Duff - Case Manager 2/Classification Tech.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten.

Defendant#9: David J. Wickersham II - Administration Captain.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten.

Defendant#10: Helen E. Sheffield - Sgt. Gang Intelligence/Security Threat Group.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Her failure to act and protect caused me to be attacked twice, brutally and savagely beaten, after being told by gang member(s) they were going to attack me.

Defendant#11: Kenneth R. Price Jr. - C03 Gang Intelligence/Security Threat Group.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten, after being told by gang member(s) they were going to attack me.

Defendant#12: Dennis Dezeeuw C04 - Gang Intelligence/Security Threat Group.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten, after being told by gang member(s) they were going to attack me.

Defendant#13: Fernando Briseno C04 - Gang Intelligence/ Security Threat Group.

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten, after being told by gang member(s) they were going to attack me.

Defendant#14: Steven R. Neal Sgt, - Extortion/Safety

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

His failure to act and protect caused me to be attacked twice, brutally and savagely beaten, after being told by gang member(s) they were going to attack me.

Defendant#15: J. Sonsel Captain - 1-1 card's supervisor

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He allowed 4 notorious confirmed gang members to come out of place to my assigned housing area, to attack and beat me with a broom.

Defendant#16: Shannon Price Lt. - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He allowed 4 notorious confirmed gang members to come out of place to my assigned housing area, to attack and beat me with a broom.

Defendant#17: Timothy Hindsman Lt. - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He allowed 4 notorious confirmed gang members to come out of place to

my assigned housing area, to attack and beat me with a broom.

Defendant#18: Justin D. Gilbert Sgt. - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He was the Sgt. in charge of the building the attack took place on, and allowed 4 notorious gang members, to enter my assigned housing area and beat me with a broom, and after being called to the attack allowed these gang members to just walk away, ("Stating" go a head and leave, I don't want to do any paper work).

Defendant#19: M. Hewitt C05 - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She was the desk officer running the building the attack took place on, and allowed 4 notorious gang members to enter my assigned housing area, and beat me with a broom.

Defendant#20: Roy L. Rogers C02 - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He was the picket officer who rolled the doors to the pod were the attack took place, and allowed 4 notorious gang members to enter my assigned housing area and beat me with a broom.

Defendant#21: A. Seale C03 - 1-1 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She was the rover of the pod were the attack took place, and allowed 4 notorious gang members to enter my assigned housing area and beat me with a broom.

Defendant#22: Victor D. Boston Captain - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He allowed 2 notorious confined gang members to come out of place to my assigned work area to attack, brutally and savagely beating me with a sock containing a heavy metal object.

Defendant#:23 Wayne N. Tucker Lt. - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He deliberately and intentionally placed my life endanger by lying on me to officer Michael R. McDuffie, telling him I had snitched him off, " Stating to officer McDuffie, You may as well come clean because inmate Davis has told me everything." This lie caused me to be attacked twice, brutally and savagely beaten by gang members, and he allowed 2 notorious gang members to come out of place to my assigned work area, and attack, brutally and savagely beating me with a sock containing a heavy metal object.

Defendant#24: Larry R. Lawrence Lt. - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He allowed 2 notorious confirmed gang members to come out of place to my assigned work area, and attack me, brutally and savagely beating with a sock containing a heavy metal object.

Defendant#25: Marcial J. Foisie Jr. Sgt. - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He was the Sgt. in charge of the building the attack took place on and allowed 2 notorious gang members to come out of place to my assigned work area and attack me brutally and savagely beating with a sock containing a heavy metal object.

Defendant#26: Gloria J. Freeman C04 - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She was the desk officer running the building the attack took place on and allowed 2 notorious gang members to come out of place to my assigned work area and attack me, brutally and savagely beating me with a sock containing a heavy metal object.

Defendant#27: Michael R. McDuffie C03 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He place a hit on my life by paying a group of notorious prison gang members to attack and beat me, when the first attack didn't go to his perfection, he ordered a second attack. He was the rover of the pod were the attack took place, and allowed 2 of this gang members to come out of place to brutally and savagely beat me with a sock containing a heavy metal object.

Defendant#28: Jocyline A Johnson C03 - 1-2 card

3872 FM 350 S. Livingston, TX. 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She was the picket officer who rolled the doors to the pod were the attack took place, and allowed 2 notorious gang to enter my assigned work area and attack me, brutally and savagely beating me with a sock containing a heavy metal object.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Between May 22nd&23rd, 2006, Lt. Tucker called C03 M. McDuffie to his office trying to bust/catch him as being a dirty officer, "meaning bringing inmates contraband and excepting things from them" Lt. Tucker deliberately, intentionally lied on me, telling this officer "you may as well come clean because inmate Davis has told me everything" that labeled me a "SNITCH" This officer then placed a hit on my life due to the actions of this Lt. I was attacked twice brutally and savagely beaten about the head and face in these attacks, the first May 27, 06 with a broom, the second May 30, 06 with a sock containing a heavy metal object. The Lt. lied on me after becoming mad and hostile, because I couldn't tell him what he needed/ wanted to know about this officer. The Unit filed a Life endanger on my
RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'm asking this Honorable Court to appoint me a Law Firm to assist in this cause, I have some serious problems as a result of these beatings,

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:
A nickname "MAJOR"

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES XX NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

V. STATEMENT OF CLAIM: CONTINUED FROM PAGE 4

behalf and had me transferred to another unit as a result of learning officer M.McDuffie had paid this notorious prison gang to attack and Kill me.

Doug Dretke failed in his duties as TDCJ-ID Director in making sure that his unit administration and its officer had the proper training in accordance with the safe prison policy ED 03.03 and life endangerment, his neglect in this area caused the Polunsky Unit administration, not only caused me to be brutally and savagely beaten by gang members, but a ranking officer intentionally and deliberately lied on me trying to catch a dirty officer, causing this officer to place a hit on me life.

Loyd C. Massey - Head Warden, Richard K. Alford & Billy D. Hirsch - Assistant Wardens failed in their duties in making sure that there officers were properly trained in the handling of a life endangerment situation, under the safe prison policy ED 03.03, also failed in making sure that ranking officers would follow the guide lines set forth by TDCJ-ID, "Meaning **NO OFFICER** ranking or other wise should deliberately and intentionally place an offenders life endanger by lying on them, they also failed in making sure that the captains Lieutenants, Sergeants, and Correctional Officers followed the rules set forth by the Polunsky Unit administration in roster offenders on and off the buildings and the Pods "Housing area", by them failing to do such, I was allowed to be attacked twice and brutally beaten by offenders who were know gang members to come out of place each time and carry out these attacks.

Steven T. Miller & Melodye G. Nelson - Major's, Michael A. McLin & Mark Duff - Unit Classification each failed in there duties in providing me a safe environment after these gang members had made it known to the gang intelligence officers and/or security threat group officers and the extortion officers and/or safe prison officers that an attack was planned to take place on my life on the weekend of May 26,2006. Not only did they fail in providing me a safe environment they even fail to notify and/or warn me that and attack was planned on my life.

Helen E. Sheffield, Kenneth R. Price Jr., Dennis Dezeeuw, & Fernando Briseno - Gang Intelligence and/or Security Threat Group Officers & Steven R. Neal - Extortion and/or Safety Officer failed in their duties to protect and/or warn me that my life was endanger and there was a great possibility that I was going to be attacked the weekend of May 26,2006. They had knowledge that an attack was planned on me and was to be carried out sometime during the weekend of May 26,2006. The information regarding this planned attack was provided to office Dennis Dezeeuw by a known and confirm gang member who was one of the four gang members that attacked and brutally beat me twice within three days, May 27&30,2006. This gang member brought to the attention of the gang intelligence and/or security threat group officer, and I was still not protected. Later on May 26,2006 Officers Kenneth R. Price Jr. & Dennis Dezeeuw called a confrimed gang member from his Jumma Services and questioned him regarding the attack that was to take place on my life, this gang member refused that confirm to them that an attack was going to in fact take place on me, telling them he couldn't do anything like that because that would be placing his endanger, after they had that conversation with him which took place in their office, they told him he could leave. It didn't take much common sence to know after talking with this gang member that I was endanger.

David J. Wickersham II - Administration Captain, J. Sonsel Captain 1-1 card, Shannon Price & Timothy Hindsman - Lieutenants 1-1 card, Justin D. Gilbert - Sergeant 1-1 card, M. Hewitt - C05 1-1 card, Roy L. Rogers - C02 1-1 card, & A. Seale - C03 1-1 card failed in their duties as ranking and regular correctional officers, when they allowed gang members to come out of place to my assigned housing area and brutally beat me. On May 27,2006 a day after the gang intelligence and/or security threat group, extortion and/or safey officers was told that an attack was going to take place on my life, on 4 building F-Pod 1 section this attack was carried out. This attack took place on the 1-1 card, officer M. Hewitt was working the buildings desk, "meaning this officer was in charge of overseeing this building on this day", Justin D. Gilbert was the sergeant in charge of this building this day, officers Roy L. Rogers & A. Seale was the officers in charge of

working F-Pod this day. This attack took place between 3:00pm & 3:30pm
officer Rogers was working the F-Pod control picket at that time,
officer Seale was working as the rover at this time. Officer Hewitt's
duties as desk officer was to check the offenders on and off the
building, by writing TDCJ-ID Official Passes to offenders that has a
legitimate place to be and time to be there. When these offenders
came onto 4 building to attack me they were allowed to do so because
officer Hewitt never asked them for their passes nor asked them what
was they doing on 4 building, only one of the four gang members that
attacked me lived on 4 building at this time, so there was no need for
them to have been on that building. They didn't work on that building,
and if they had told officer Hewitt that they was there to carry out
an attack, then again officer Hewitt failed in performing the duties
and/or rules set forth by the Polunsky unit and the rules set forth by
TDCJ-ID and/or the Safe Prison Policy, when officer Hewitt failed to
check the passes and/or find out why these gang members had come to 4
building at this time. Officer Rogers started the day as F-Pod rover
where officer Rogers worked from 6:00am to 12:00pm where there was four
counts done, two counts was done at 6:00am, a head count and a roster
count, between 8:00am & 8:30am a second two count system was performed,
a head count and a roster count. Officer Seale started the day as F-Pod
control officer from 6:00am to 12:00pm and took part in both these
counts, The duties of the Pod officers are safety first, they are to
roster the offenders on and/or off their pods, to make sure that the
offenders are where they're supposed to be and/or that none are out of
place. At 12:00pm these officers switched places, officer Rogers going
to F-Pod control and officer Seale coming to rover. At 1:30pm another
two count system was performed a head count and a roster count again
both of these officers performed these counts. There was a total of six
counts in three performed by both of these officers. When that 1:30pm
count cleared, these gang members was allowed to come out of place and
carry out the attack on my life, both officer Rogers & Seale failed in
their duties to protect me when they refused to roster this gang members
onto F-Pod as part of there duties as providing safety to not just me
but other offenders as well. Had either of these officers performed
their duties as set forth by the Polunsky Unit's policy and/or rule as

set forth by TDCJ-ID policy and/or rules, such as the safe prison policy ED:03.03, I wouldn't have been attacked. By them failing to perform their duties I was brutally and savagely beaten by these gang members with a weapon a "Broom". Officer Rogers witness soon of the attack because he called to the front desk for Sergeant Gilbert to come to see what was taking place, neither of these four gang members lived on my section, they all had come to one section out of place, officer Seale let them on the pod and officer Rogers let them inside the pod and inside the section I was assigned to live. Once Sgt. Gilbert came to the pod and section I was being attacked on, he asked the gang members was it over "meaning the attack" and he let them go, telling them to go ahead and get out of here "meaning for them to leave" because he didn't want to do any paper work. Not only did Sgt. Gilbert assist officer Hewitt in allowing these gang members to come out of place to attack me, Sgt. Gilbert went as far as to assist these gang members in covering up this attack on my life and in doing so he surely failed in his duties as a ranking correctional officer, Sgt. Gilbert could clearly see that I had been attacked and assaulted and pursuant to the TDCJ-ID Executive Directive ED:03.03 "Safe Prison Plan" which cite as its authority 42 U.S.C. Section 1983 mandates that Sgt. Gilbert file a report of this incident, file offensive reports "meaning disciplinary action" against the inmates involved in the assault on me, and initiate a life-endangerment investigation by immediately placing me into transit status pending the recommendation of the unit classification on just what's taking place and/or if I was in enough danger to be transferred to another unit, by as Sgt. Gilbert stated "He didn't want to do any paper work", the lack of Sgt. Gilbert taking proper action nearly cost me my life later. On May 30, 2006 while I was at work in my assigned work area, performing my duties as an SSI "meaning a janitor" these gang members was again allowed to come out of place and attack me. On 3 building this day on the 1-2 card the second attack took place. Officer Gloria Freeman was working 3 Building desk, Marcial J. Foisie Jr. was the Sergeant in charge of overseeing this building this day, officers Michael R. McDuffie & Jocylene A. Johnson was the officers in charge of working B-Pob this day. This attack took place between 3:00pm &

3:30pm on May 30,2006 during a different card, with the same results of me being savagely beaten and brutally attacked by gang members that was allowed to come out of place to do so. A different card means that their different officers working that day and was responsible for me being attacked for failing to protect me and/or failing to perform their duties as set forth by the Polunsky Unit's guidelines and/or rules and/or the rules set forth by TDCJ-ID and the safe prison policy. These officers are: David J. Wickersham II - Administration Captain, Victor D. Boston - Captain 1-2 card, Wayne N. Tucker & Larry R. Lawrence - Lieutenants 1-2 card, Marcial J. Foisie Jr. -Sergeant 1-2 card, Gloria J. Freeman - C04 1-2 card, Michael R. McDuffie C03 1-2 card, Jocyline A. Johnson - C03 1-2 card. Just as the officers duties on the 1-1 card they are the same on all cards throughtout TDCJ-ID according to their duties that's being performed at that time. On May 30,2006 officer Freeman had the duties of the desk officer, which was in charge of 3 building, from 12:00pm to 6:00pm. Officer Freeman duties was to make sure that no offenders came onto the building and/or left the building without proper authorization such as a TDCJ-ID official pass, this also sets well in an offender trying to go from pod to pod and/or section to section without authorization of the desk officer. Officer Freeman failed in performing the duties set forth by the guidelines and/or rules of Polunsky Unit and /or the rule set forth by TDCJ-ID by allowing these gang members to go out of place from one pod to another without a legitimate reason to be there, had they told officer Freeman that they were going to another pod to carry out an attack, then officer Freeman surely failed in performing the duties set forth by the Polunsky Unit and the rules set forth by TDCJ-ID and/or the Safe Prison Policy, when allowing them to go out of place to carry out this attack. This attack took place on B-Pod 1 section where I was performing my duties as an SSI and working in my assigned pod without any knowledge that a hit had been placed on my life and that my was endanger. Officers McDuffie & Johnson was working B-Pod that day. Officer McDuffie started out in B-Pod control working from 6:00am to 12:00pm, Officer Johnson started as B-Pod rover from 6:00am to 12:00pm. There were four counts to take place between 6:00am and 12:00pm. There was two counts at 6:00am, a head count and a roster count. Between 8:00am and 8:30 am there were two counts, a head count and a roster count. The

duties of the pod officers are the same, safety first, they are to roster the offender on and/or off their pods, to make sure that the that the offenders are where they're supposed to be and/or that none are out of place. At 12:00pm these officers switched places, officer McDuffie coming to rover and officer Johnson going to B-pod control. At 1:30pm there was another two count system performed, a head count and a roster count. There was total of six counts performed by these officers in a three count system. Both these officers failed to protect me by allowing these gang members to come out of place and attack me. when officer McDuffie came to rover, their was continued coversation between officer McDuffie a one of the gang members that attacked me, this gang member lived on B-Pod 1 section, another one of the gang members lived on B-Pod 3 section. The gang member that lived on 1 section was the same gang member that the Gang Intelligence and/or Security Threat Group Officers Kenneth R. Price Jr. & Dennis Dezeeuw called to their officer on May 26,2006 and and asked him was I going to be attacked that weekend and he told that he couldn't confirm anything like that because that would be placing his life endanger, however that gang member did tell those officers that " Officer McDuffie had told him that Lieutenant Tucker had said you may as well come clean, because inmate (Davis) has told me everything" then this gang member told those officers that " I was a snitch" and I hadn't told anything on no one because I didn't know anything to tell on anyone. Lieutenant Tucker deliberately and intentionally lied on me, and in doing so a TDCJ-ID officer placed a hit on my life, in an attempt to have me killed because this officer was told and thought I had actually snitched them off. Because I was not warned and/or notified that my life was endanger I was lefted open for two brutal attacks. The conversation between officer McDuffie and this gang member could have and may have been about me, because of the way that I was left looking after the first attack. Officers McDuffie & Johnson both failed in their duties when they allowed gang members off other sections and other pods to carry out a planned attack. Officer McDuffie was the officer that paid these gang members to carry out this attack, so therefore officer McDuffie deliberately and intentionally allowed these gang members out of place to attact me so that, officer McDuffie could witness this attack, the second time.

It can be clearly seen that the TDCJ-ID prison system failed to protect me from two brutally attacks, the second one in which I was left badly beaten, after being beaten in the face and head with a sock containing a heavy metal object, leaving with very bad headaches, vision problems, and nerve damage. TDCJ-ID offender handbook states under the Safe Prison Program the following:

Safe Prison Program

A. Offender Protection

TDCJ strives to maintain the safety and security of all offenders incarcerated within the Agency. However, in some situation, measures must be taken to achieve a greater degree of protection for certain offenders.

If an offender is being pressured by another offender for money, property, or sexual favors, the offender should immediately contact a correctional officer, classification staff, the warden, the chaplain, the office of the inspector general, or any staff member with whom he feels comfortable. It is imperative that one of these individuals be contacted immediately so that they can help the offender be removed from a potentially serious situation.

Safe Prison did not work for me everyone from TDCJ-ID Director, the Polunsky Unit's administration all the way down to the correctional officers violated my constitutional rights that was secured to me, by denying me protection under the safe prison policy and because I am a black offender, because I am black the administration failed to act in protecting from a black prison gang. My Eight and Fourteenth Amendments to the United States Constitution was violated because of all there actions, and not only that did they fail to protect, notify and/or warn me, a ranking TDCJ-ID officer created this hostile and unsafe environment for me by deliberately and intentionally lying on me trying to catch a drity officer. I am bringing this complaint under 42 USC § 1983 Civil Rights Act because of the following reasons: Deliberate Indifference, Cruel and unusual punishment, Failure to Protect, Denial of Equal Protection, Denial of access to courts, Aggravated assault, Negligence, Denial of adequate medical treatment for injuries I sustained, Racial Discrimination, and Right to reasonably safe confinement. Office Dezeeuw told me that he was in hot water behind me, because they had learned of the planned attack, that was to take place on me days before it happened Officer Deezeuw and the rest of the administration failed in their duty to protect me, knowing that my life was endanger, they did so intentionally because I am a black offender, all of TDCJ-ID offenders should fall under

the Executive Directive (ED-03.03) and not just the ones of a certain race, creed, and/or gender, (nor) just the ones that the administration(s) allows to benefit from it. It the case of the attack(s) that took place on me, not only did the administration on the Polunsky Unit fail to protect me after being told by one gang member that I was going to be attacked that weekend "the weekend of May 26, 2006", and they also learn from another gang member **"that I was to had provided information to Lieutenant Tucker regarding illegal activities on officer McDuffie, and that I was a snitch"** this information was brought to the administration and/or safe prison program and they still failed to protect me, they did not even care enough about me being a human being to even warn and/or notify me that I was endanger of being attacked and/or possibly being attacked and to be careful and/or be on the lookout to the fact that something may just happen. Being notified and/or warned by the administration that there was a possibility that I may be attacked could have and/or would have been very very helpful to me for many reasons, but there is one that may out weighs all the others, and that is I am not a gang member, I have never been a gang member, and I have never had any type of affiliation with any gang member, so therefore I never had any knowledge of who not only these gang members who attacked me were, but any other gang members from any other gangs. Up to this point of my incarceration I have never had any type of problems with any gangs and/or gang members. TDCJ-ID State Classification, there Administration on the Units, the Unit's Classifications down to the correctional officers has access to every offenders files, they are well aware of just about what every offender will do and/or want do, that is why its called State and Unit Classification, they classify offenders, this is moreso when dealing with gang members, my point here is that had they checked the records, in which they did, as part of their duties they know who every gang member they are dealing with is, then therefore they knew that both of the gang members that they spoken with regarding the attack on me were once had to be place in TDCJ-ID Administrative Segregation away from all other of the offenders because of their very bad behaviour problems, still the administration failed to act accordingly in protecting me. After I was attacked the first time on May 27, 2006 and Sgt. Gilbert was called to the pod where the attack was taking place, and later allowed the gang members

to leave after I had been attacked, when I asked Sgt. Gilbert who they were, I was told they're just messing around, I said look at me, I was told that I was big boy and that I will be alright, at the time I was attacked I never knew that the guys that attacked me were gang members and moreso I didn't know why it happened and if it would happened again I was left unprotected by TDCJ-ID Director, and the Polunsky Unit's administration failed in their duties, through proper training and the positions of these officers I should never have been attacked the first time, so therefore it was total negligence on all parties to allow the second attack to take place, they was required to take measures to protect me. These parties failed in there duties to protect me which lead to the two aggravated assaults "With Weapons" when these parties had a constitutional duty to take the steps to secure my safety once they knew I was going to be attacked, and no one did. There was never an adequate investigation performed in either of the attacks on my life in order to cover up what had happened, because the administration knew of these attacks before they were carried out and they refused to take any type of actions in protecting and/or warning and/or notifying me that I was endanger of being attacked, so a cover up was in the best interest of the agency and again I will stress to this Honorable Court that as of this day I have never spoken and/or been interviewed and/or investigated by anyone from safe prison, I have just been placed into a situation where everyone involved in this matter just want me to let it alone so that it will go away.

RELIEF: CONTINUED FROM PAGE: 4

I have experinced memory lapses, my right hand and leg shakes, I have vision problems where I am losing sight in one of my eyes and can hardly see out the other. I have had continued headaches since these attacks, I can not sleep, I have been traumatized to the point that I live in fear daily, I can not and/or do not trust anyone, I believe that I am going to be attacked again because of the cover up by this agency, and for allowing these gang members and these officers get away with what was allowed to happened to me without any type of corrections and/or punishment to those involved. I am asking this Honorable Court not to grant any of these defendants any type of immunity for what took place and was allowed to happened to me " NOT ONCE BUT TWICE " these

attacks was allowed to take place on me. It is clearly seen that the administration within this agency failed to act and/or protect me from the danger they created, and in doing so their actions nearly cost me my life. These attacks was deliberately and intentionally created by a veteran ranking official, and was covered up by the administration. I am asking this Honorable Court to oversee that justice prevail in this cause, by providing me the opportunity to be compensated for pass, present and future physical and mental harm, pain, suffering and emotional distress, lost of opportunitues, lost of earnings and/or earning capacity, medical and other expenses for rehabilitation, and unseen medical problems, and an open amount of funding for cost of legal, attorney(s), expert and other assistance that may be needed to obtain remedy in this cause. again I am asking this Honorable Court to appoint me a law frim, as a lay person I am at a great disadvantage in trying to litigate against the Texas Attorney General, and that is moreso with my medical condition and the memory lapses and the vision problems I am suffering from, do to the attacks that took place on my life.

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES x NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

Executed on: 12-6-06
DATE

Daryl Davis TDCJ-ID#802738

Dayle Davis
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 12-6-06 day of December, ~~19~~ 2006.
(Day) (month) (year)

Daryl Davis TDCJ-ID#802738

Daryl Davis
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Mr. Daryl Davis

Doc J-1 D# 802738

Michael Unit

P.O. Box 4500

Tennessee Colony, Tx. 12

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EAST TEXAS P&DC

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ACCEPTED AT
P.O. BOX 4500 TENN. C

ACCEPTED AT (MARK W. MICHAEL UNIT)
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